

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries Universal)	
Service Support Mechanism)	CC Docket No. 02-6, 96-45, 13-184
)	
Request for Review of a Decision by the Universal)	October 29, 2018
Service Administrator for the)	
Los Angeles County Office of Education)	

Billed Entity Number 143472
Funding Year 2015/2016
Form 471 997991
FRN 2868894

Request for Review

Los Angeles County Office of Education (“LACOE” or “COE”) pursuant to and in accordance with Sections 54.719 – 54.725 of the Federal Communications Commission’s (“FCC” or “Commission”) rules, respectfully requests the FCC overturn the August 29, 2018 denial issued in the Administrator’s Decision on Appeal Letter (*See Exhibit 1 - LACOE FY2015 IMDER Appeal Decision from USAC*) by the Universal Service Administrative Company (“USAC”), as administrator of the Schools and Libraries Support Mechanism (“E-rate Program”).

Background

LACOE specializes in providing instruction for Alternative Education, Juvenile Courts and Special Education students. Alternative education youth are those who may fall through the cracks in the regular public education system such as juvenile offenders, expelled and truant students and others at risk of dropping out of school completely. LACOE’s focus is on creating supportive learning environments where students can achieve academic, behavior and career goals. LACOE services some 1,200 incarcerated and at-risk youth that depend on LACOE to provide specialized instruction and educational services each day at 11 sites that include juvenile halls, probation camps and treatment centers. LACOE’s goal is to prepare youth for a successful transition back into the community with the skills they need to succeed in school and in life. LACOE is a major partner with the Los Angeles County Probation Department and other agencies in addressing the needs of youth in the nation's largest juvenile justice

system. LACOE also provides services for students with severe disabilities. LACOE focuses on providing positive behavior support, high-quality teaching, and a healthy learning environment. LACOE provides the full range of required services for students in special day or district classes: Speech and Language Therapy, Psychological Counseling and Guidance, Orientation and Mobility Instruction, Health and Nursing, Adapted Physical Education, Vision Services, Transportation, Deaf and Hard-Of-Hearing Services and Transition Services. LACOE's technology infrastructure is designed to meet the needs of all educators and students. Due to the complex nature of the programs and partnerships, deployment of new services and equipment often requires clearance from multiple divisions and 3rd party government agencies.

LACOE supports their educational technology commitments to their diverse student base by applying for E-rate discounts on eligible products and services. LACOE filed FCC Form 471 application # 997991 for the 2015-2016 E-rate Funding Year on April 16, 2015. LACOE was issued an FCDL on December 24, 2015 which consisted of approved funding for 5 FRNs for a County-wide Category 2 Internal Connections network upgrade. The network upgrade included equipment and services ranging from wireless network and installation, to network cabling installation and lastly, the purchase of network switches, routers and wireless access points across 40 sites.

LACOE, fully aware of the complexities they would encounter to deploy services, entered into agreements with each awarded service provider that allowed for the extension of delivery of services for up-to four additional twelve-month terms. Facing a complex scope of work and scheduling conflicts related to multiple technology service deployments, the equipment associated with this particular FRN would not ultimately be completely installed until May 2018. LACOE filed contract extension requests to extend their contract through June 30, 2017 and June 30, 2018, both of which were approved and processed by USAC on 07/05/2016 and 06/30/2017, respectively. The first SDDE request to extend delivery through September 30, 2017 was approved by default via a service substitution request SLD Inquiry #: 22-887147 filed on 03/16/2016 and approved by USAC on 4/8/2016. As the last remaining piece of this entire Category 2 project, LACOE filed a separate SDDE request for FRN 2868894 to match their contract expiration dates and implementation plans (See *Exhibit 2 - LACOE Frontier Contract 06-*

2018 109211-A1.pdf). Implementation challenges that were beyond the service provider's control remained so, on September 12, 2017, in advance of the approaching September 30, 2017 Service Delivery Deadline, LACOE submitted a SDDE request to extend delivery through September 30, 2018. This request was dismissed by USAC on April 25, 2018, **a full 7 months after the request was filed** (*emphasis added*) for the following reason:

“Explanation: The FRN referenced in your request has been reimbursed the entire amount of the funding commitment.”

On June 24, 2018, LACOE appealed USAC's dismissal and provided details as to the reasons why the dismissal was invalid.

USAC Appeal Denial

A Letter of Appeal (See *Exhibit 3 – LACOE FY2015 IMDER Appeal To USAC.pdf*) was submitted to USAC on June 24, 2018, within 60 days of the Administrator's Decision on Implementation Extension Request, (See *Exhibit 4 – 997991 DE Case 180258 SDE Dismissal Letter (04-10-2018 AM).pdf*). The appeal petitioned for USAC to amend their decision to dismiss the timely filed Form 500 Service Delivery Extension Request from 9/30/2017 to 9/30/2018 for the reasons stated and described in detail, the circumstances that necessitated the filing of the USAC appeal. The appeal highlighted the following fact pattern:

- 1.) In accordance with FCC rules and USAC guidance, the SDDE request was filed BEFORE the FRN delivery deadline.
- 2.) The SDDE was filed BEFORE the applicant had ordered and received the equipment from the Service Provider.
- 3.) The equipment was in the process of being ordered, staged, configured and installed while awaiting a decision on the SDDE from USAC.
- 4.) The SDDE was filed BEFORE the Service Provider invoiced the FRN via a Service Provider Invoice (SPI).
 - a. SPI was submitted and disbursement was completed by USAC on December 29,

2017.

- 5.) The actual *installation* at the school site was going to occur AFTER receipt of the aforementioned SDDE dismissal.
- a. Cited Reasons provided in the appeal and original SDDE request are: "...additional time has been necessary to place the order for the equipment, receive the equipment, stage and configure the equipment and finally, install the equipment by both the Service Provider and LACOE."
 - b. LACOE implements heavy security measures with their network and new installations. Only approved networking staff who has been vetted by the Department of Justice are allowed to configure, install and/or oversee the installation of equipment at their various school sites and juvenile court facilities. This places a tremendous burden on their deployment schedule because only authorized staff are allowed to work on and/or oversee network installations.
- 6.) Fully disbursed funds DID NOT translate into installation completion and did not warrant the dismissal of the SDDE request.
- 7.) And lastly, that USAC was jeopardizing the applicant's efforts to remain compliant with service delivery deadlines and program rules.

On August 29, 2018, two months after the appeal was filed, USAC denied the aforementioned appeal for the same reason they dismissed the September 12, 2017 SDDE request on April 25, 2018.

"The commitment for the above listed FRN has been fully paid. Since there are no funds left for this FRN, the appeal is denied."

It was if the appeals group at USAC did not even read or consider the detailed fact pattern presented in the June 24, 2018 appeal submitted by LACOE.

Conclusion and Request for Relief

Los Angeles County Office of Education respectfully requests review of USAC's determination that the Service Delivery Extension Request should be dismissed for the sole reason that by the time USAC processed the September 12, 2017 SDDE request on April 25, 2018, the FRN had been fully

disbursed. Complete disbursement of an FRN does not automatically negate the need for program compliance as it relates to service delivery deadlines, particularly as USAC took 7 months to render their dismissal of LACOE's September 12, 2017 SDDE request. LACOE had no control over USAC's processing timeline and proceeded in good faith with confidence that the fact pattern surrounding final dispensation of this FRN was consistent with past long-standing precedent related to routine requests for Service Delivery Deadline Extension requests.

We ask that the Commission consider the original documentation and timeline and direct USAC to approve the timely filed SDDE request resulting in an updated Service Delivery Deadline of September 30, 2018. LACOE should not be placed at risk for a future audit finding due to the installation of their equipment being later than September 30, 2017, the current service delivery deadline for FRN 2868894. LACOE has clearly followed FCC rules and USAC program guidance and LACOE requests that the Service Delivery Extension request be granted.

Respectfully Submitted,

/S/

Rosy Campos
Senior Consultant, E-Rate Compliance Services
CSM Consulting, Inc.
Consultant to LACOE
rcampos@csmccentral.com
3130-C Inland Empire Blvd.
Ontario, CA 91764
909-944-7798

Enclosures: Exhibit 1 - LACOE FY2015 IMDER Appeal Decision from USAC.pdf

Exhibit 2 - LACOE Frontier Contract 06-2018 109211-A1.pdf

Exhibit 3 - LACOE FY2015 IMDER Appeal To USAC.pdf

Exhibit 4 - 997991 DE Case 180258 SDE Dismissal Letter (04-10-2018 AM).pdf